

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

KINGSLEY R. CHIN,
ADITYA HUMAD, and
SPINEFRONTIER, INC.,

Defendants.

Criminal No. 1:21-10256-IT

**GOVERNMENT’S MOTION FOR A FINDING OF WAIVER OF THE ATTORNEY –
CLIENT PRIVILEGE OR, IN THE ALTERNATIVE, TO SET A DEADLINE
FOR DEFENDANTS TO ADVISE THE COURT WHETHER THEY WILL
RELY ON ADVICE-OF-COUNSEL OR INVOLVEMENT-OF-COUNSEL**

The government submits this Motion requesting that the Court enter a finding that the defendant, SpineFrontier, Inc., and its affiliated entity Impartial Medical Experts (“IME”), waived privilege over the subject-matter of opinion letters. In the alternative, the government requests that the Court set a deadline of sixty days before trial for the defendants to advise the Court and the government whether they will seek to introduce evidence of advice-of-counsel or involvement-of-counsel at trial. This amount of time will ensure that, if the defendants determine that they will advance either argument, there is sufficient time for the government to review all available materials the defendants produce.

Pursuant to Local Rule 7.1(b)(1), the government submits a memorandum in support of this motion.

Dated: January 26, 2024

Respectfully submitted,

UNITED STATES OF AMERICA,

By its attorney,

JOSHUA S. LEVY
Acting United States Attorney

/s/ Abraham R. George
ABRAHAM R. GEORGE
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Certificate of Service

The undersigned certifies that this document was filed through the ECF system on January 26, 2024.

/s/ Abraham R. George

Certification Pursuant to Rule 7.1

I certify that counsel for the government conferred in good faith with counsel for the defendants on several occasions, but were unable to resolve the issues presented.

/s/ Abraham R. George